

## **RESPONSE**

### **I. Restriction Requirement**

Applicants confirm the election of claims 1-18 and 48-50. Applicant has cancelled the non-elected claims without prejudice.

### **II. Information Disclosure Statement**

Applicants filed an IDS on March 16, 1999, which identified the references set forth in the specification. PCT WO 97/06299 is identified as item number A109 on that submission. A copy of this IDS and PTO returned postcard showing receipt are enclosed for the examiner's convenience.

### **III. Double Patenting**

Applicants have cancelled claim 13 on the basis that it was duplicative of claim 12.

### **IV. Section 112 Rejection**

Applicants have amended the claims to conform with the examiners understanding thereof.

### **V. Section 102 Rejections**

It is respectfully submitted that neither Pieniak et al. 5,098,423 or Kielpikowski 6,056,733 anticipate or suggest the present invention as claimed by applicants.

#### **Claims 1-18**

Claims 1-18 require a "composite having a maximum elongation of at least about 85% of the elongation of an elastic member." (emphasis added) This claim element is directed toward the elasticity of the composite, not just the elastics that are placed in it. Thus, as set forth in the specifications, at page 6 line 26 - page 7 line 10:

A panel made using 1/8 inch (3.2 mm) securement regions, spaced apart by 1/8 inch (3.2 mm) and having the elastic strands placed in under 250% elongation will have a maximum elongation length of about 240%. Thus, this composite would have a maximum elongation of about 96% of the elongation of the elastic material. Under the same conditions, it would be expected that a composite made by conventional techniques would have a maximum elongation length of about

212%. This conventional material would have a maximum elongation of about 84.8% of the elongation of the elastic member. Thus, the elastic composites of the present invention allow for a much greater use of the elongation put into the strands and provide for a material that for the same initial elongation can have a substantially larger maximum elongation. For example, the composite material of the present invention has an elongation of at least about 85% of the elongation of the elastic material, ideally at least about 90% of the elongation of the elastic material, and optimally at least about 95% of the elongation of the elastic material.

Accordingly, neither Pieniak or Kielpikowski disclose or suggest the composite of claim 1. Nothing in these references discloses or suggests how to make a composite that obtains 85% of the elongation of the elastics used in that composite.

#### **Claims 48-49**

Claims 48-49 require "attached zones extending traverse and across a majority of the elastic members." This claim element is not disclosed or suggested in Pieniak or Kielpikowski.

Pieniak does not disclose or suggest zones of attachment that extend across the elastics. In fact, Pieniak is silent as to any pattern that is used for the application of adhesive to secure the elastics (*see, e.g.*, Pieniak col. 6, lns 39-40 and col. 7, lns 6-10) The ruffles shown in Figures 2 and 6 of Pieniak do not disclose or suggest applicants' claim attached zones. For example, the attached zones 6 as illustrated in Figure 1A of applicants' specification are distinct from the pleats 5 shown therein. There is nothing in either Pienak or Kielpikowski that discloses or suggests attachment zones that extend across the elastics. The presence of ruffles, by itself, does not disclose or suggest applicants' claimed attachment zones.

Additionally, Kielpikowski appears to relate to only stitching with elastics and it is unclear how, or in what way, that reference is applicable to the present invention.

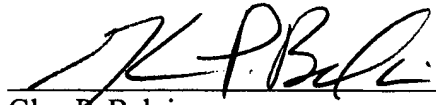
#### **Claims 50**

Claim 50 contains the limitations of claims 1 and 48 and for the above reasons is therefore not anticipated by either Pieniak or Kielpikoswski.

**VI. Conclusion**

For the forgoing reasons applicant respectfully submits that the claims as amended place the application in a condition for allowance.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Glen P. Belvis", is written over a horizontal line.

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